

REMARKS

Entry of the foregoing amendments after final rejection as narrowing the issues and presenting the claims in condition for allowance or in better condition for appeal is respectfully solicited. The foregoing amendments after final rejection have not been earlier presented because of new grounds for rejection.

Claims 12-20 are pending and at issue in the application with claims 12 and 13 being independent claims. Claims 12 and 13 have been amended. As a result, two independent claims remain in the application as previously paid for, and nine total claims remain in the application as previously paid for. Reconsideration and withdrawal of the rejections in view of the remarks below is respectfully requested.

The applicants respectfully traverse the objections to the specification. In particular, the abstract was amended in the “Amendment ‘A’” filed on December 20, 2005 (see amendment to paragraph [0117] on page 2 of the Amendment “A”). The abstract as amended in the Amendment “A” does not recite “disclose herein” or any variation thereof. Accordingly, the applicants respectfully submit that the abstract includes proper language and format, and therefore request reconsideration and withdrawal of the objections thereof.

Further, the applicants respectfully submit that the specification provides sufficient antecedent basis for, and description of, “after assigning a user to a user group, a function can be activated that causes an essentially simultaneous opening of several parcel compartments.” In particular, paragraph [0039] discloses that a B2B deliverer has access to all of the empty compartments of a delivery machine. For rapid loading in locker systems several parcel compartments, preferably of an entire section of compartments, are opened. On the other hand, another deliverer may not have access to the area of the delivery reserved for the B2B deliverer. (See e.g., application, paragraph [0033]). Further, the specification discloses that a user group can be assigned to several parcel compartments so that when user is assigned to a group, the user can open the several parcel compartments that are assigned to the group. For example, paragraph [0016] discloses groups of compartments are accessible only to certain user groups. Accordingly, the original specification provides proper antecedent basis for the claimed subject matter, and provides adequate description of “after assigning a user to a user group, a function can be activated that causes an essentially simultaneous opening of several

parcel compartments.” Nonetheless, the applicants respectfully submit that the foregoing amendments to the specification overcome such objections and therefore request reconsideration and withdrawal of the same. No new matter has been added. Support for the amendment to the specification may be found throughout the originally filed application, including paragraphs [0016], [0033], [0039], and originally filed claim 10 which recited “effecting control of the access possibilities in such a way that, after assignment of a user to at least one specific user group, a function can be activated that causes an essentially simultaneous opening of several parcel compartments.”

The applicants respectfully traverse the rejections of claims 12-20 as not complying with the written description requirement under 35 U.S.C. §112, first paragraph. Contrary to the assertion in the official action, the originally filed disclosure included claim 10, which recited “effecting control of the access possibilities in such a way that, after assignment of a user to at least one specific user group, a function can be activated that causes an essentially simultaneous opening of several parcel compartments.” The claims as filed with an application constitute part of the originally filed disclosure. Further, numerous examples of “after assigning a user to a user group, a function can be activated that cause an essentially simultaneous opening of several parcel compartments” are provided throughout the specification, as explained above. Accordingly, the applicants respectfully submit that each of pending claims 12-20 complies with the written description requirement under 35 U.S.C. §112, first paragraph, and therefore request reconsideration and withdrawal of the same.

The applicants respectfully traverse the rejections of claims 12-20 as indefinite under 35 U.S.C. §112, second paragraph. The applicants respectfully submit that amended claims 12 and 13, and existing claim 18 overcome any indefiniteness rejection under 35 U.S.C. §112, second paragraph, and therefore request reconsideration and withdrawal of the same. In particular, claims 12 and 13 have been amended to remove the language “in such a way,” and to recite “control of access possibilities.” The “different access authorizations” recited in claim 18 does not require antecedent basis as the phrase introduces the term “different access authorizations.” For example, the phrase is not preceded by “the” or “said” and there is no earlier recitation of “different access authorizations.” Accordingly, the applicants respectfully submit that each of pending claims 12-20 is not indefinite under 35 U.S.C. §112, second paragraph, and therefore request reconsideration and withdrawal of the same.

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Turning to the prior art rejections, the applicants respectfully traverse the rejections of claims 12-20 as unpatentable over Porter (U.S. Patent No. 5,774,053) in view of Booth et al. (U.S. Patent No. 6,879,243) under 35 U.S.C. §103. Booth et al. is not prior art with respect to the present application, because the U.S. filing date of Booth et al. is February 14, 2002. The present application has a U.S. filing date of April 8, 2004, but claims direct priority from International Application No. PCT/DE02/03760, filed on October 7, 2002, which in turn claims convention priority from German Patent Application No. 101 49 622.2, filed on October 9, 2001.

The claim for foreign priority under 35 U.S.C. §119 and the receipt of the certified copies of the priority documents is acknowledged in the Office Action Summary dated September 20, 2005, and in the Office Action Summary dated March 9, 2006. Enclosed herewith is a verified English translation of German Patent Application No. 101 49 622.2.. Accordingly, the claim for priority under 35 U.S.C. §119 is perfected.

Under the provisions of 35 U.S.C. §119, the present application is accorded the benefit of the priority date of German Patent Application No. 101 49 622.2, filed on October 9, 2001. Booth et al., as relied upon in the official action, was filed in the U.S. Patent and Trademark Office on February 14, 2002. In view of the perfected priority date of the present application, Booth et al. no longer qualifies as a statutory prior art under 35 U.S.C. §§102 and 103.

In absence of Booth et al. as prior art, Booth et al. cannot anticipate, or render obvious, claims 12-20, and the applicants respectfully request reconsideration and withdrawal of the rejection of claims 12-20 as unpatentable over Porter in view of Booth et al.

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Accordingly, the applicants respectfully submit that claims 12-20 are novel and non-obvious in view of the cited references and should be allowed. In light of the foregoing, the prompt issuance of a notice of allowance is respectfully solicited. Should the examiner have any questions, the examiner is respectfully invited to telephone the undersigned

Respectfully submitted,

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